

Meeting of 2006-4-25 Regular Meeting

MINUTES
LAWTON CITY COUNCIL REGULAR MEETING
APRIL 25, 2006 - 6:00 P.M.
WAYNE GILLEY CITY HALL COUNCIL CHAMBER

Mayor John P. Purcell, Jr. Also Present:
Presiding Larry Mitchell, City Manager
 John Vincent, City Attorney
 Traci Hushbeck, City Clerk
COL Sonny Uberti, Fort Sill Liaison

Mayor Purcell called the meeting to order at 6:00 p.m. Notice of meeting and agenda were posted on the City Hall notice board as required by law. Invocation was given by Pastor Chris Austin, Lighthouse Baptist Church, followed by the Pledge of Allegiance.

ROLL CALL

PRESENT: Bill Shoemate, Ward One
Rex Givens, Ward Two
 Janice Drewry, Ward Three
 Keith Jackson, Ward Four
Robert Shanklin, Ward Five
Jeffrey Patton, Ward Six
 Stanley Haywood, Ward Seven
 Randy Warren, Ward Eight

ABSENT: None

PRESENTATION OF CERTIFICATION OF APPRECIATION TO DUIT CONSTRUCTION COMPANY, INC.

Mayor Purcell stated there was a road construction project on the east side of town on Flower Mound Road. A construction company received the contract less than a year ago. The project was to be completed by June of this year. Not only did they complete the project well before June, but it was open to the citizens on the east side of town all the way back in February. He stated he would like to recognize Duit Construction Company. He introduced Jim Duit, owner, Gary Gall, Executive Superintendent, Mike Harkow, Field Superintendent, and Mark Willey, Project Manager. He stated on behalf of the citizens he thanked them for the outstanding and timely work that was done. He presented Mr. Duit with a Mayor's Certificate of Appreciation.

PRESENTATION OF EMPLOYEE OF THE MONTH FOR APRIL TO MICHAEL CULBERTSON, LANDSCAPE TECHNICIAN IN THE ATHLETIC MAINTENANCE DIVISION OF THE PARKS AND RECREATION DEPARTMENT.

Kim Shahan, Parks and Recreation Director, introduced Gerald Catlett, Division Head for Parks and Grounds and Mike Dudley, Supervisor of Landscape Maintenance.

Catlett introduced Michael Culbertson who has been employed with the City of Lawton for six years and two years as part time. He stated he is a very dedicated employee. He is always ready and willing to perform any job.

Dudley stated that Michael's greatest attribute is the fact that he never complains, but he shows up to work five or ten minutes early every morning and does his job. He is a good mechanic and keeps a lot of machinery running. He is very deserving of this honor.

Mayor Purcell presented a plaque, certificate of honor, two days of nonchargable leave, script money from Chamber merchants and a Mayor's Do What's Right coin.

PRESENTATION OF PROCLAMATION FOR FLOOD AWARENESS MONTH

Mayor Purcell stated the City of Lawton has a very active flood protection program. He proclaimed the month of May 2006 as Flood Awareness Month. He encouraged all citizens to take advantage of the flood insurance that is available if they are anywhere near an area that is prone to flood.

AUDIENCE PARTICIPATION:

J.D. Brennan, B&B Garage, 3013 SW Park, stated he was in the process of expanding his business. He submitted plans for a permit in March. They were rejected because of new ordinance pertaining to rain water runoff. He was told that he must complete a drainage study to show how 2,400sf showroom and parking would contribute to increased flow. His lot is less than one acre. The Planning Commission, at their last meeting, voted to exempt commercial property of less than one acre. His expansion needs to be ready by the end of May.

John Walkos, 3703 NW Lincoln Avenue, stated four years ago the City of Lawton told him to take his fence down because they were going to expand the road. He took it down and told staff he would put it back up when the road was completed. He was told the side walk would not be put on his side of the road. Afterwards they took a tree down and put the sidewalk down. He stated Jerry Ihler told the City Council that they would have to do nothing with utilities but move the telephone pole. He is now told the city is going to put a new sewer line through his yard. He questioned if anything can be done.

Jerry Ihler, Public Works Director, stated he is presuming this is part of the Phase II sewer rehab plan. He will get with staff regarding this issue.

Mr. Walkos stated Ihler owes him an apology for saying there was nothing on his side of the line.

Charley Wright, Design Associates, 702 SW 52nd, stated he and Mr. Brennan have been before the City Planning twice and at the last meeting the commissioners votes unanimously to bring something to the City Council that would change a few words in the ordinance that exempted those with less than one acre. They discussed inserting the words one acre or more in the ordinance. They tried to expedite Mr. Brennan's permit and paid to have a drainage survey done. When the review came back it stated they must provide a H&H study showing peak releases rates for the 2, 5, 10, 25, 50 and 100 year storm run off. Their engineer did the study on the 10 and 100 year. If he was to go forward and cover all these years staff requested, the cost of the study would surpass the cost of the plans. He stated there are several small business projects in this town that are less than an acre. Those owners don't have the money to invest and it

will hinder the amount of growth of small businesses.

Pat Montgomery, 6705 NW Oakdale Drive, stated he is also waiting on the drainage ordinance. The sooner the ordinance can be signed, the sooner he can proceed with his project. His is a small project on less than an acre and he would like to see the City Council vote on this issue next week.

CONSIDER APPROVAL OF MINUTES OF LAWTON CITY COUNCIL MEETING OF MARCH 28, 2006.

MOVED by Warren, SECOND by Drewry, to approve the Minutes of March 21, 2006. AYE: Givens, Drewry, Jackson, Shanklin, Patton, Haywood, Warren, Shoemate. NAY: None. MOTION CARRIED.

CONSENT AGENDA: The following items are considered to be routine by the City Council and will be enacted with one motion. Should discussion be desired on an item, that item will be removed from the Consent Agenda prior to action and considered separately.

Shanklin requested items #1 and #4 be considered separately.

MOVED by Shanklin, SECOND by Haywood, to approve the Consent Agenda items as recommended with the exception of items 1 and 4. AYE: Drewry, Jackson, Shanklin, Patton, Haywood, Warren, Shoemate, Givens. NAY: None. MOTION CARRIED.

1. Consider approving a Raw Water Sales Agreement with Chesapeake Operating, Inc., and authorize the Mayor and City Clerk to execute the Contract. Exhibits: Location Map. Contract is on file in the City Clerk's office.

Shanklin questioned how much water the city is going to sell, how much are they asking for and are we going to take that money that is generated from the lease and put it back in Parks and Recreation budget. He questioned how much this is worth.

Vincent stated the estimate is around \$6,000. He stated this money does go into the Lawton Water Authority as part of the budget and if the City Council wants to take action staff can figure out a way to calculate how much money is attributable to this contract.

Shanklin stated he was referencing the \$130,000, which was discussed when he was not present. He really wanted that to go to the Lakes and Lands, but it is too late now.

MOVED by Shanklin, SECOND by Drewry, to approve a Raw Water Sales Agreement with Chesapeake Operating, Inc., and authorize the Mayor and City Clerk to execute the contract. AYE: Jackson, Shanklin, Patton, Haywood, Warren, Shoemate, Givens, Drewry. NAY: None. MOTION CARRIED.

2. Consider approving a Memorandum of Understanding with the Center for Occupational Health, which clarifies the duties and responsibilities of the Center for Occupational Health and the City of Lawton. Exhibits: MOU Attached.

3. Consider approving a Memorandum of Understanding with the AM-PM Clinic and the City of Lawton, which clarifies the duties and responsibilities of the AM-PM Clinic and the City of Lawton. Exhibits: MOU Attached.

4. Consider authorizing the Mayor and City Clerk to execute a contract with Kirkpatrick Forest Curtis, PC (KFC) for the design of the WWTP Sludge Wetwell Project #2006-5. Exhibits: Agreement is on file in the City Clerk's office.

Shanklin questioned where the well was located.

Jerry Ihler, Public Works Director, stated it is in the same building as the belt filter presses in the northeast corner.

Shanklin questioned the cost of the construction.

Ihler stated they will not know until they do the design and study to determine exactly what the cost estimate is. He would not want to estimate a figure.

MOVED by Shanklin, SECOND by Drewry, to authorize the Mayor and City Clerk to execute a contract with Kirkpatrick Forest Curtis, PC (KFC) for the design of the WWTP Sludge Wetwell Project #2006-5 for a fee amount of \$16,500. AYE: Shanklin, Patton, Haywood, Warren, Shoemate, Givens, Drewry, Jackson. NAY: None. MOTION CARRIED.

5. Consider approving the construction plans for sanitary sewer to serve Lots 5 through 15, Block 8, Runyon Hill Side Addition. Exhibits: Location Map.

6. Consider approving the replat of Summerwood Square Addition, Part 2 and a portion of Part 1. Exhibits: Record Plat.

7. Consider approving the construction plat for Shelter Creek Estates, Part 3 subject to conditions. Exhibits: Plat Map.

8. Consider issuing a revocable permit for the installation of security gates across access drives that serve the off-street parking area on the south side of Jim Talliaferro Community Mental Health Center (CMHC) located at 602 SW 38th Street. Exhibits: Application and sit plan. Revocable Permit is on file in the City Clerk's office.

9. Consider awarding (CL06-044) Pebble Quicklime to Texas Lime Company of Dallas, Texas. Exhibits: Department Recommendation and Abstract of Bids.

10. Consider awarding (CL06-042) Library Book Contract to the following vendors: 1) Davidson Titles, Inc., Jackson, TN Items 1-3, 6-7, 11, 14-18, 22-28, 31 2) (The Gale Group), Farmington Hills, MI Items 2-4, 6-7, 13, 15, 21, 23-24, 3) HW Wilson, Co., Bronx, NY Item 15, 4) Penworthy Co., Milwaukee, WI Items 22-24, 5) Publishers Quality Library Service, Crete, IL Items 24-25 6) Recorded Books, Inc., Prince Frederick, MD Items 26, 31, 7) Regent Book Co., Lodi, NJ Items 1-9, 11-12, 14-24, 26-28, 31-32, 8) Rourke Publishing LLC, Vero Beach, FL Items 24, 32, 9) Salem Press, Inc., Hackensack, NJ Item 15, 10) Scholastic Library Publishing, Inc., Danbury, CT Items 3, 6, 11, 15, 22, 24, 26, 27, 28, 31 and 11) Walden Book Inc./Borders, Inc., Ann Arbor, MI Items 1-9, 11, 12, 14-26, 28, 31. Exhibits: Department Recommendation and Abstract of Bids.

11. Consider extending the contract (CL05-046) Laboratory Services of Toxic Pollutants with Accurate Labs of Stillwater, Oklahoma. Exhibits: Department Recommendation, Contract Extension Form, Abstract of Bids.

12. Consider extending the contract (CL04-047) Crane Service with Allied Steel Construction Company of Oklahoma City, Oklahoma. Exhibits: Department Recommendation, Contract Extension Form, Abstract of Bids.

13. Consider approving appointments to boards and commissions. Exhibits: None.

14. Consider approval of payroll for the period of March 27- April 9, 2006. Exhibits: None.

BUSINESS ITEMS:

15. Hold a public hearing and consider an ordinance amending Section 6-1-5-185, Division 5, Article 1, Chapter 6 and Section 21-6-606, Article 6, Chapter 21, and creating Section 18-4-1-413, Division 1, Article 4, Chapter 18, Lawton City Code, 2005, by requiring surfaced walkways. Exhibits:

Richard Rogalski, Planning Director, stated at the December 13, 2005 meeting, the City Council expressed an interest in expanding requirements for surfaced walkways (sidewalks) to include new building permits for commercial construction. Currently surfaced walkways are required in new residential and commercial subdivisions. The individual home or building contractor constructs such walkways along the lot frontage at the time the structure is built.

Because the proposed code amendments involve both the zoning and subdivision codes the City Planning Commission held a public hearing on March 23, 2006. No one spoke at the public hearing, and the CPC unanimously recommended approval of the ordinance to the City Council.

Subsequent to the CPC, on April 25, a suggestion was made to add a provision for a developer of a commercial site to apply to pay a fee in lieu of constructing the walkway based on unusual size, shape, topography or unique geographic location of the tract. Staff recommends the public hearing be continued to May 9, 2006 to allow time to draft appropriate language.

PUBLIC HEARING OPENED

Patton left the meeting @ 6:45 p.m.

MOVED by Givens, SECOND by Warren, to continue the public hearing to May 9, 2006. AYE: Haywood, Warren, Shoemate, Givens, Drewry, Jackson, Shanklin. NAY: None. MOTION CARRIED.

16. Hold a public hearing and consider a resolution amending the 2025 Land Use Plan from Agriculture, Residential/High Density, and Commercial to Residential/Low Density and an ordinance changing the zoning from Temporary A-1 (General Agricultural District) to R-1 (Single-Family Dwelling District) zoning classification located at the northwest corner of the intersection of SW 67th Street and Bishop Road. Exhibits: Resolution No. 06-___, Ordinance No. 06-___, Location Map, Applications and CPC Minutes.

Rogalski stated this request is to place proper zoning on 60 acres of land which will be developed as Oak Pointe Addition. The owner of the tract is the Joyce Meadors Revocable Trust, and the applicant is Ron Nance, Brentwood Development Company.

The zoning of the surrounding area is Temporary A-1 and R-1 to the north, and Temporary A-1 to the south, east, and west. The land use of the surrounding area is vacant and Brentwood Addition to the north and vacant agricultural to the south, east, and west. The current land use of the requested area is vacant. The applicant proposes to develop the area as a single-family residential subdivision.

On March 23, 2006 the City Planning Commission held a public hearing on this request. No one spoke for or against the request during the public hearing. The Commission, by a 6 - 0 vote, recommended approval of the amendment to the 2025 Land Use Plan and rezoning.

PUBLIC HEARING OPENED. No one appeared to speak and the public hearing was closed.

MOVED by Haywood, SECOND by Shoemate, to adopt **Resolution No. 06-70** and **Ordinance No. 06-10**, waive the reading of the ordinance, read the title only. AYE: Drewry, Jackson, Shanklin, Haywood, Warren, Shoemate, Givens. NAY: None. MOTION CARRIED.

(Title read by City Attorney) Ordinance 06-10

An ordinance changing the zoning classification from the existing classification of Temporary A-1 (General Agricultural District) to R-1 (Single-Family Dwelling District) zoning classification on the tract of land located approximately at the NW corner of SW 67th and Bishop Road which is more particularly described in Section One (1) of the ordinance authorizing changes to be made upon the official zoning map in accordance with this ordinance.

17. Hold a public hearing regarding the Lawton Downtown Economic Development Project, Project Plan and Tax Increment District Number One, City of Lawton, for information and questions only and discuss a prospective City Ordinance to be presented to Council to implement the same after holding a second public hearing on May 9, 2006. Exhibits: Lawton Downtown Economic Development Project Plan, Proposed Ordinance Approving and Adopting Project Plan and Establishing Increment District No. One, City of Lawton, Notice of Hearing published in the Lawton Constitution, Project Area and Increment District Boundary Map, City Council Resolution No. 06-30, Findings & Recommendation of the Lawton Downtown Economic Development Project Review Committee and City Planning Commission Resolution No. 06-05.

Mitchell stated that included in the packet is a project plan with a budget. The review committee has identified an area with boundaries of the proposed TIF district and in the project plan is a proposed budget which will utilize both ad valorem and sales tax to fund projects proposed within that boundary. He introduced Leslie Bachelor, who assisted staff and the review committee in putting together the project plan.

Ms. Bachelor stated it was her privilege to participate with the review committee in drafting the project plan. This was done under a statute called the Local Development Act, which is the strongest tool that Oklahoma has available to cities, towns and counties to provide the financial where with all to carry out public investments necessary to generate private investment. This was conceived as an extension of the efforts that the Lawton Urban Renewal Authority has made, the interest of the chamber and other groups in revitalizing downtown with particular emphasis on 2nd Street in bringing about some mixed use development, greater retail and implementing some of the planning strategy that this community has been developing over the past few years. Under the Local Development Act all the effective taxing entities have an opportunity to participate. She stated it is important to understand that this plan does not raise taxes, but generates revenue from additional private investments and increased retail activity and that increased revenue is used to repay the public costs associated with generating that new investment.

PUBLIC HEARING OPENED.

Givens questioned how the City Attorney was going to interpret this conflict of interest statute.

Vincent stated he and Scott Meadors called Ms. Bachelor this afternoon and had a discussion regarding this issue. This would affect any council member that has any interest in property located within the proposed project area in excess of 10% or greater, or their family has an interest in 10% in a single property. As an example, Mr. Warren has a business at 2nd Street and B Avenue and has more than 10% invested so he will be prohibited from taking any kind of official action on this project.

Ms. Bachelor stated as is typical of Oklahoma Statutes, they are very sweeping in their conflict of interest provisions to assure that there is no

appearance of impropriety. The difficulty in this situation arises from the fact that although the statute only finds a conflict with respect to property that is possibly to be acquired and developed with public assistance, since those parcels have not been definitively identified by this project plan, they came to the conclusion that it would be safest to advise those council members with any interest in the project area to abstain.

Shanklin stated he will be out because he does own property.

Mayor Purcell stated that each council member can consult the City Attorney as to whether they have a conflict.

Givens stated that would count out three council members, which would only leave five members to vote.

Warren stated they only need a majority of those left who are eligible to vote.

Vincent stated that is what the statute says.

Shanklin questioned if they use sales tax, will the overall budget be less.

Givens stated that is not how it is suppose to work.

Ms. Bachelor stated the way in increment district works is you take a snapshot of the property values and the sales tax as they exist at the time the ordinance establishing the increment district is adopted which will set the base. From that base line, you look at growth that is created, new investment and new sales within the boundaries of the increment district. The baseline of the sales tax will be the previous years sales taxes within this area. Then everything above that we will take a look at and 90% of that increase will be the increment that can be used on project costs that are listed in the budget.

Mitchell stated we are essentially deferring that increased value within the district for a period of time in exchange for the improvements we hope to generate.

Shanklin questioned how we know what the sales tax was.

Ms. Bachelor stated they will gather that information over the next 90 days and will work with the Oklahoma Tax Commission. The identities of the taxpayers will not be revealed.

Givens stated they will only receive the total generated from within that district.

PUBLIC HEARING CLOSED.

18. Consider an ordinance amending Section 19-7-701, Article 19-7, Chapter 19, Lawton City Code, 2005, by creating an exemption from the prohibition of parking in City Park, providing for severability, and declaring an emergency. Exhibits: Ordinance No. 06-____.

Vincent stated several council meetings ago Mr. Haywood brought up some issues regarding the language and the interpretation of Section 19-7-701, particularly subsection D. Several meetings were held with Mr. Shahan and Deputy Chief Mathis. As a result of those meetings, they determined that they did not need an amendment to subsection D, but they did need an amendment to subsection C which relates to activities after the parks closes, but are sponsored by the city. He believes Mr. Haywood s issues have been resolved.

MOVED by Haywood, SECOND by Shanklin, to adopt **Ordinance No. 06-11**, waive the reading of the ordinance, read the title only and declaring an emergency. AYE: Shanklin, Haywood, Warren, Shoemate, Givens, Drewry, Jackson. NAY: None. MOTION CARRIED.

(Title read by City Attorney) Ordinance 06-11

An ordinance pertaining to recreation amending Section 19-7-701, Article 19-7, Chapter 19, Lawton City Code, 2005, by creating an exemption from the prohibition of parking in city park, providing for severability, and declaring an emergency.

19. Consider the acceptance of an OEA Grant Application submitted through the Department of Defense, Office of Economic Adjustment (OEA) and approve an OEA Grant Agreement in the amount of \$109,580 to carry out growth management planning activities. Exhibits: OEA Acceptance Letter dated April 12, 2006, Current Financial Statement & Summary for Grant RA06105-06-01 and Grant Agreement for Grant RA06105-06-01.

Mitchell stated the City of Lawton has worked with the Department of Defense and the Office of Economic Adjustment for about a year trying to secure this federal grant. The City Council authorized the manager to hire a senior planner and a plans examiner. Mid year they hired the plans examiner and a senior planner will begin in mid May. This grant will reimburse the city for the senior planner salary and secretarial support for that position. Over the course of the next year we will use that grant to develop an RFP for retaining an urban planning consultant that will assist the city in developing a growth management plan for this region. Hopefully we will have a strategic plan to accommodate the anticipated growth that we may see as a result of the BRAC announcements and other development that is occurring throughout Comanche County. He is also hopeful that after we secure the second phase of the grant to pay for the consultant work, once we get the growth management plan completed that may open the door for other federal monies through either the DOD or other federal agencies. He is hopeful that this is the first step in a long term relationship with the DOD. He stated he will be attending a growth management conference next week in Atlanta from May 2-5. There will be representatives from Fort Sill, ASCOG and the Oklahoma State Strategic Planning Commission.

Mayor Purcell stated the City Manager has been working diligently and has had numerous meetings with representatives from DOD to get this initial grant.

MOVED by Givens, SECOND by Warren, to accept an OEA Grant Application submitted through the Department of Defense, Office of Economic Adjustment (OEA) and approve an OEA Grant Agreement in the amount of \$109,580 to carry out growth management planning activities. AYE: Haywood, Warren, Shoemate, Givens, Drewry, Jackson, Shanklin. NAY: None. MOTION CARRIED.

REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER

Haywood stated Lawton View Neighborhood Association will hold a fundraiser the first week in June for Officer Poindexter. He stated his son is going back to Notre Dame to speak.

Shanklin stated everyone received a memo from the Planning Division regarding Critters Pet Shop on West Gore. He stated this is such a fine line in dealing with the 50%, when it is 62.61%. Staff needs to explain the process. If they are going to disenfranchise this person because he has been there 21 years, when those codes were not even in place. There are also a lot of places in town that do not have parking. If they want to have a business where there is no parking, that should be their prerogative.

Shoemate questioned if they included the parking that was available behind the building.

Shanklin stated they did everything they could to get him there. He thinks the parking could be worked out. He wants to agenda this item and discuss this issue. The state statute took out the 50% on demolition.

Vincent stated he is talking about the parking requirements under the grandfather clause for a building that was damaged by fire. He stated staff needs to take a look at it because there is parking behind the building. He does not know if Fins and Critters can get a parking agreement with Ramon s and solve the parking issue.

Shanklin stated the contractor submitted an estimate of \$78,000 and the assessed value of the building is \$125,000. If you divide that it comes to 62.1%, so now they need to go to the Board of Adjustment. That is just a bureaucrat delay and he doesn't like it.

Vincent stated he will get with the Planning Director and the City Manager to look at the issue.

Givens stated it is 50% of the replacement value. Assessed value is not necessarily replacement value. He questioned if they used the assessed value or the replacement value, which is what the ordinance says.

Vincent stated this is the first time he has seen this, and he will have to do some research.

Shanklin stated we should be trying to help, not kick a man while he is down.

Vincent stated he will take a look at this and they may be able to solve this problem without any big fuss.

Mayor Purcell stated that is why they have the Board of Adjustment, for these exceptions.

Vincent stated it used to be a blanket that if you were over 50% you got no relief. The City Council amended that about five or six years ago that gave the owner an appeal right to the Board of Adjustment.

Mayor Purcell questioned if they could change that 50% rule or was it state law.

Vincent stated it is totally within the provisions of the City Council.

Mayor Purcell stated if the 50% is not valid, they can change it.

COL Uberti thanked everyone who attended the send off for the Air Force detachment. There will be another departure ceremony on Friday, April 28th at 3 p.m. at the polo field. He thanked the superintendents from Comanche County who attended a meeting to talk about transitioning students into and out of the school systems. He reminded everyone that starting May 1st, no one will be allowed to use a cell phone while driving on the installation unless using a hands free device.

Mitchell stated he handed out a copy of a fax he received from Senator Bass having to do with HB 2412 regarding conservation and compatible use buffers around military installations. He stated if anyone has any comments or concerns, please let him know and he will forward those to Senator Bass. This fits nicely with the work being done with Land Legacy regarding conservation easements. He distributed a survey that staff did on the polycart pilot program. Staff surveyed 200 customers out of the 2,000 involved in the program. They received responses from 143. Overall they received an 82% approval rating for the work being done so far.

Drewry stated most of the negative comments she is hearing are from those who are not even in the pilot program.

Mayor Purcell stated they need to reconstitute the Engineer Selection Committee. The committee has not met in a while and there were several members who are no longer on the City Council. He requested volunteers who wish to serve. Council members Givens, Shoemate, Warren and Drewry volunteered to serve. He stated the nominations will be brought to the City Council for approval at the next meeting.

Vincent stated he will be attending a meeting of the Oklahoma Municipal Utilities Providers at OML at 10:00 a.m. the next morning which will lead up to a 12 Noon meeting of the Drought Management Committee of OML. Gary Smith, Assistant Public Works Director, will be attending with him. He stated they will try to come up with a state wide plan or recommendation concerning water conservation and water management. The City of Lawton ordinance will be used as one of the models.

The Mayor and Council convened in executive session at 7:17 p.m. and reconvened in regular, open session at 8:25 p.m. Roll call reflected all members present.

BUSINESS ITEMS: EXECUTIVE SESSION ITEMS

20. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss an Equal Employment Opportunity Commission (EEOC)/Tort Claim filed by Hedy S. Jackson and take action in open session as necessary. Exhibits: None.

Vincent read the title of item 20 shown above. He said the Council did receive a briefing on the current status by attorney Shondra Holmes-Ray. No action is required.

21. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss a pending tort claim by Larry K. Standridge and take action in open session as necessary. Exhibits: None.

Vincent read the title of item 21 shown above. He said the Council did receive a briefing on the claim.

MOVED by Jackson, SECOND by Warren, to accept Larry K. Standridge settlement offer of \$15,000 and his November 8,2005 damage claim against the city, subject to Mr. Standridge executing a settlement agreement and authorize the Mayor and the City Attorney to sign all the necessary documents and file a friendly suit to confess judgment. AYE: Haywood, Warren, Shoemate, Givens, Drewry, Jackson, Shanklin. NAY: None. MOTION CARRIED.

22. Pursuant to Section 307B.1, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the semi-annual evaluation review of Larry Mitchell, City Manager, and if necessary, take appropriate action in open session. Exhibits: None.

Mayor Purcell stated the City Council did convene in executive session to discuss the semi-annual evaluation review of Larry Mitchell. The Council was well satisfied with how Mr. Mitchell was performing.

MOVED by Jackson, SECOND by Drewry, to accept the amended contract of Larry Mitchell with the increased salary of \$120,000 effective the next pay period with all the necessary assigned signatures. AYE: Haywood, Warren, Shoemate, Givens, Drewry, Jackson, Shanklin. NAY: None. MOTION CARRIED.

ADJOURNMENT

There being no further business to consider, the meeting adjourned at 8:30 p.m. upon motion, second and roll call vote.

/s/ John P. Purcell, Jr.
JOHN P. PURCELL, JR., MAYOR

ATTEST:

/s/ Traci L. Hushbeck
TRACI HUSHBECK, CITY CLERK